

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**
• 300 Quarropas Street, White Plains, NY 106011 •

John Vidurek, Kimberly Vidurek, and James Vidurek;
Plaintiffs

- against -

Pim Pollen, Margareth de Wit, Alessandro Donetti, N Cassadine, J Melendez, Susan Lamastro, Jeanette Willet, Frank J Chan, Charles P. Rettig, and Bobbi S Martin;

JURISDICTION: Court of Record

Docket No. 7:20-cv-06714

AFFIDAVIT OF DEFAULT

Defendants

NEW YORK STATE)
) :SS
DUTCHESS COUNTY)

I, John Vidurek, Affiant, hereinafter plaintiff in pro per and next friend for plaintiffs' Kimberly Vidurek and James Vidurek above, being of lawful age, qualified and competent to testify to, and having firsthand knowledge of the following facts, do hereby swear that the following facts are true, correct and not misleading:

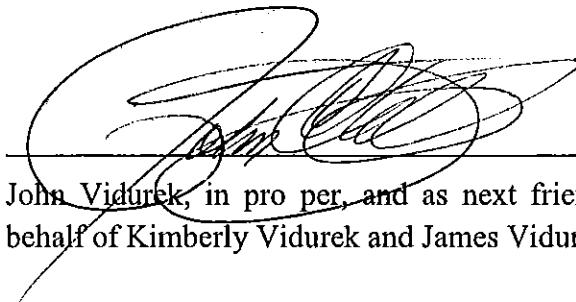
WHEREAS: on July 21, 2020, plaintiff filed an Action at Law in the Dutchess County New York Supreme Court [Index No. 2020-610]. And served upon the defendants; see affidavit of service dated July 22, 2020, attached. Defendants N Cassadine, J Melendez, Susan Lamastro, Jeanette Willet, Frank J Chan, Charles P. Rettig, and Bobbi S Martin moved said case to the above said court and copied a "Certificate of Service," attached, to plaintiffs on August 28th 2020; however the deadline for doing so was on August 27, 2020. The record shows that defendants N Cassadine, J Melendez, Susan Lamastro, Jeanette Willet, Frank J Chan, Charles P. Rettig, and Bobbi S Martin made no return, requested no more time to answer, and did not provided any objection to the proceedings. Therefore a summary

judgment for default is in order for the relief demanded in the Action at law against N Cassadine, J Melendez, Susan Lamastro, Jeanette Willet, Frank J Chan, Charles P. Rettig, and Bobbi S Martin;

Default Judgment - Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend; and, that failure is shown by Affidavit or otherwise, the clerk must enter the party's default."*
FRCP Rule 55(a); FRCP Rule 58(b) (2); 28 U.S.C. §2243.

Seal

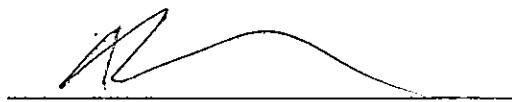
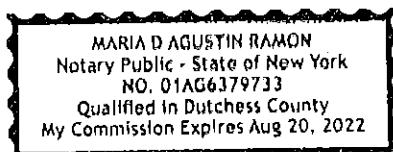
New York, Dutchess County, September 18, 2020



John Vidurek, in pro per, and as next friend on behalf of Kimberly Vidurek and James Vidurek

NOTARY

New York State, Dutchess County on this 18th day of September 2020 before me, the subscriber, personally appeared John Vidurek to me known to be the living man described in and who executed the forgoing instrument and sworn before me that he executed the same as their free will act and deed.



Notary

AFFIDAVIT OF SERVICE

New York State)
) ss:
Dutchess County)

I, Jonathan Schultz, being duly sworn, deposes and says: I am not a party to this action and am over 18 years of age. On the 22nd day of July, 2020, I served the within an Action at Law to show cause with summons, Refund status report, Notice and Demand, Notice of Tax Lien dated 4-26-13, Apology letter dated 8-7-13, Release of lien dated 9-18-13, Bill from IRS for \$80.00 dated 9-2-13, and Taxpayer Advocate Service Fraudulent Letter dated 11-14-14, Notice of deficiency from Susan Lamastro dated 6-17-2019, James letter dated 6-27-19, Notice of intent to levy dated Oct/Nov 2019 on James, Notice of intent to levy dated 01-16-19 on John, John's affidavit, Notice of intent to levy dated 12-16-19 on James, Notice of intent to levy dated 12-16-19 on Kimberly, Kimberly's affidavit, Threatening Intimidating Letter from Frank J Chan dated 12-26-19, John's affidavit, Letter from rogue agent Bobbi S. Martin dated February 25, 2020 to John, James, and Kimberly, Form letter notice CP40 dated March 30, 2019 to James, James's 1040, Affidavit of service for Notice and Demand, and Affidavit of service for Show Cause upon the following names and addresses set forth below, by mailing a true copy of the attached papers, enclosed and properly sealed in a postpaid envelope, which I deposited in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York addressed to:

- Pim Pollen, CEO, CBE Group, PO Box 126 Waterloo, IA 50704
- Margareth de Wit, CFO, CBE Group, PO Box 126 Waterloo, IA 50704
- Alessandro Donetti, CCO, CBE Group, PO Box 126 Waterloo, IA 50704
- N Cassadine, DOT Small Business, 300 Commerce Drive, New Windsor, NY 12553
- J Melendez, Taxpayer Advocate Service, PO Box 1640, Ogden, UT 84402-1640
- Susan Lamastro, DOT, IRS, 240 Broadway - 14th Floor, NY, NY 10007
- Jeanette Willet, DOT Small Business, 300 Commerce Drive, New Windsor, NY 12553
- Frank J Chan, IRS ACS Correspondence PO Box 8208, Philadelphia, PA 19101
- Charles P. Rettig, IRS, 1111 Constitution Avenue N.W., Washington, D.C. 20224
- Bobbi S Martin, DOT, IRS, Fresno Service Center, Fresno, CA 93888-0030

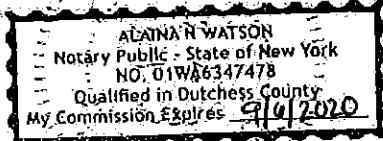
(Signature)

NOTARY

State of New York, County of Dutchess on this 22nd day of July, 2020 before me, the subscriber, personally appeared Jonathan Schultz to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

Alaina N. Watson

Notary



AFFIDAVIT OF SERVICE

New York State)
) ss:
Dutchess County)

I, Jonathan Schultz, being duly sworn, deposes and says: I am not a party to this action and am over 18 years of age. On the 18th day of September, 2020, I served the within Action at Law to show cause with summons, and move to federal court for cause, Refund status report, Notice and Demand, Notice of Tax Lien dated 4-26-13, Apology letter dated 8-7-13, Release of lien dated 9-18-13, Bill from IRS for \$80.00 dated 9-2-13, and Taxpayer Advocate Service Fraudulent Letter dated 11-14-14, Notice of deficiency from Susan Lamastro dated 6-17-2019, James letter dated 6-27-19, Notice of intent to levy dated Oct/Nov 2019 on James, Notice of intent to levy dated 01-16-19 on John, John's affidavit, Notice of intent to levy dated 12-16-19 on James, Notice of intent to levy dated 12-16-19 on Kimberly, Kimberly's affidavit, Threatening Intimidating Letter from Frank J Chan dated 12-26-19, John's affidavit, Letter from rogue agent Bobbi S. Martin dated February 25, 2020 to John, James, and Kimberly, Form letter notice CP40 dated March 30, 2019 to James, James's 1040, Affidavit of service for Notice and Demand, and Affidavit of service for Show Cause upon the following names and addresses set forth below, by mailing a true copy of the attached papers, enclosed and properly sealed in a postpaid envelope, which I deposited in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York addressed to:

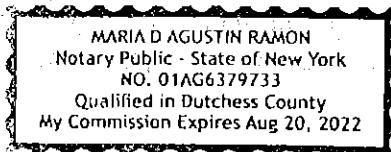
- Steve Douglas, CEO, CBE Group, PO Box 126, Waterloo, IA 50704
- Mike Frost CLO, CBE Group, PO Box 126, Waterloo, IA 50704
- Randall Kamm "Randy" VP, CBE Group, PO Box 126, Waterloo, IA 50704
- CBE Group Inc, PO Box 126, Waterloo, IA 50704

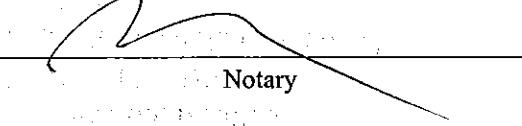
(Signature) 

NOTARY

18th day of September 2020 MAR

State of New York, County of Dutchess on this 22nd day of July, 2020 before me, the subscriber, personally appeared Jonathan Schultz to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.



 Notary

JOHN VIDUREK, KIMBERLY VIDUREK, AND JAMES VIDUREK

1 South Drive, Hyde Park, New York, 12539

Phone (845) 229-0350, Fax (888) 891-8977;

SP 7/20/2020

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CASE NO. 7:20-CV-06714 cs

ACTION AT LAW – COURT OF RECORD

PLEASE TAKE NOTICE:

Defendants Pim Pollen, Margareth de Wit, and Alessandro Donetti have been removed from above said action.

Whereas, Steve Douglas, CEO, CBE Group, Mike Frost, CLO, Randall Kamm, VP, and CBE Group Inc. have been added to the above said action.

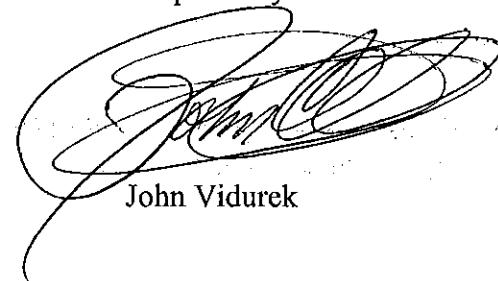
Defendants

REASON:

Unbeknown to the plaintiffs there are two CBE Group Inc. listed on the internet and we chose the wrong one. Summons, complaint and attachments went to the correct address but addressed to the wrong persons.

After discovering the error we found the correct individuals and we served the above said added defendants on September 18, 2020, see Affidavit of Service, attached.

Respectfully Submitted



John Vidurek